

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOSHUA E. SHORT,

04-CV-845-AS

Plaintiff,

ORDER

v.

STAN CZERNIAK, REBECCA PRINSLOW,  
G. HALL, MS. BLACKETTER, ALICEA  
NELSON, AND RON MYERS,

Defendants.

JOSHUA E. SHORT  
S.I.D. No. 10233830  
82911 Beach Access Road  
Umatilla, OR 97882

Plaintiff, *Pro se*

HARDY MYERS  
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**BROWN, Judge.**

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#32) on September 19, 2005, in which he recommended this Court grant in part and deny in part Defendants' Motion for Summary Judgment (#23). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). The Court has reviewed the legal principles *de novo* and does not find any error. The Court adopts that part of the Findings and Recommendation in which the Magistrate Judge concludes Defendants are entitled to summary judgment on the grounds that Plaintiff's claim for injunctive relief is barred by the Eleventh Amendment, Plaintiff fails to state a present case or controversy, and Defendants are entitled to qualified immunity with respect to Plaintiff's claims for damages. The Court concludes these rulings dispose of all of Plaintiff's claims, and, therefore, the Court finds it is unnecessary to reach Defendants' argument regarding *respondeat superior* liability.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and Recommendation (#32) **as modified**. Accordingly, the Court **GRANTS** Defendants' Motion for Summary Judgment (#23).

IT IS SO ORDERED.

DATED this 7th day of November, 2005.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge